

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IRA MANUELITO,

Plaintiff,

vs.

CIVIL NO. 1:18-cv-00365

TOWN OF TAOS, a municipality in the State of
New Mexico, WILFRED GARCIA, DENNIS MARTINEZ,
FRANCISCO ESPINOZA, and RICK BELLIS, in their
individual and official capacities,
Defendants.

VERIFIED COMPLAINT

Plaintiff IRA MANUELITO (“Plaintiff”), appearing by and through his attorney of record, files this Verified Complaint against Defendants Town of Taos, Wilfred Garcia, Dennis Martinez, Francisco Espinoza, and Rick Bellis seeking damages for discrimination and violation of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title I and Title V of the Americans with Disabilities Act of 1990, Sections 501 and 505 of the Rehabilitation Act of 1973, and the Civil Rights Act of 1991, and alleges as follows:

JURISDICTION AND VENUE

1. Plaintiff IRA MANUELITO (“Plaintiff”) is, and at all relevant times hereto, a resident of Taos Pueblo, located in Taos County, New Mexico.

2. All of the incidents outlined below effectively took place in Taos County or Town of Taos, New Mexico, as Plaintiff was working and/or located in said Town of Taos or Taos County proper, when the instances underlying his causes of action occurred, as described directly below.
3. Defendant Town of Taos is a municipality located in New Mexico.
4. Defendant Rick Bellis is the Town Manager for Defendant Town of Taos.
5. Defendant Francisco Espinoza is Director of Public Works for Defendant Town of Taos.
6. Defendant Wilfred Garcia was an employee for Defendant Town of Taos at all relevant times herein.
7. Defendant Dennis Martinez was an employee for Defendant Town of Taos at all relevant times herein.
8. Plaintiff's claims against Defendants invoke federal question jurisdiction.
9. Jurisdiction and venue in this matter is proper.

FACTS COMMON TO ALL COUNTS

10. Plaintiff incorporates by reference all preceding paragraphs and allegations as though fully set forth in this Count.
11. On information and belief, Plaintiff alleges the following facts in this section entitled "Facts Common to All Counts":
12. Plaintiff began working for Defendant Town of Taos on June 4, 2012 and was discharged on August 16, 2016.
13. Defendant Town of Taos challenged Plaintiff's unemployment and lost on appeal.
14. Plaintiff is a Native American and a Tribal Member and resident of Taos Pueblo.

15. Plaintiff was born in 1956 and is over the age of 40.
16. Plaintiff is legally blind in one eye.
17. Almost immediately after beginning to work at the Town of Taos, Plaintiff suffered discrimination and harassment from his supervisor, Wilfred Garcia.
18. The discrimination against Plaintiff from Wilfred Garcia was based on Plaintiff's race, age, sex, and disability.
19. On a weekly basis, Plaintiff was subjected to insults from his supervisor Wilfred Garcia, usually in Spanish, that he was a blind Indian or drunk Indian.
20. On a weekly basis, Plaintiff was subjected to sexual harassment from Wilfred Garcia in the form of obscene, vulgar language that no reasonable person would accept.
21. Plaintiff complained to Francisco Espinoza on several occasions about Wilfred Garcia's behavior and also safety concerns.

ARGUMENT

COUNT ONE: VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

COUNT TWO: VIOLATION OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

COUNT THREE: VIOLATION OF TITLE I AND TITLE V OF THE AMERICANS WITH DISABILITIES ACT OF 1990

COUNT FOUR: VIOLATION OF SECTIONS 501 AND 505 OF THE REHABILITATION ACT OF 1973

COUNT FIVE: VIOLATION OF THE CIVIL RIGHTS ACT OF 1991

COUNT SIX: RETALIATION IN VIOLATION OF PUBLIC POLICY

22. Defendant's acts of discharge herein were maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights.
23. Plaintiff suffered damages proximately caused by these Defendant's wrongful acts as stated in the section below entitled "PRAYER FOR RELIEF/ DAMAGES", which is incorporated here to the extent pertinent as if set forth here in full.

PRAYER FOR RELIEF/ DAMAGES

ACCORDINGLY, Plaintiff seeks relief from the Court as follows:

1. As to the First Cause of Action:

- a. For compensatory damages, including lost wages, earnings, retirement benefits and other employee benefits, and all other sums of money, together with interest on these amounts, according to proof;
- b. For a money judgment for mental pain and anguish and emotional distress, according to proof;
- c. For an award of punitive damages, according to proof;
- d. For reasonable attorneys' fees, costs; and
- e. Liquidated damages.

2. As to the Second, Third and Fourth Causes of Action:

- a. For all compensatory damages, including lost wages, earnings, retirement benefits and other employee benefits, and all other sums of money, together with interest on these amounts, according to proof;
- b. For a money judgment for mental pain and anguish and emotional distress, according to proof;
- c. For an award of punitive damages, according to proof;

3. As to all Causes of Action:

- a. Award Plaintiff's requested actual, foreseeable, punitive, and statutory damages to the extent permitted by law; or alternatively compensatory and/or restitutionary, punitive, and statutory damages to the extent permitted by law;
- b. Award pre-judgment and post judgment interest to the extent permitted by law;
- c. Award Plaintiff costs and expenses, including reasonable attorneys' fees to the extent permitted by law; and
- d. Award such other and further relief as is just and proper.

Respectfully submitted by,

/s/ Dwight Thompson

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